

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **PATRICK D. TAYS,**

3 Plaintiff-Appellant,

4 **v.**

No. 35,973

5 **DAVID F. METLER III, Personal Representative**
6 **of the ESTATE OF S. CRAIG TAYS, Deceased,**

7 Defendants-Appellees.

8 **APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY**

9 **Angie K. Schneider, District Judge**

10 Patrick D. Tays

11 Ruidoso, NM

12 Pro se Appellant

13 Sutin, Thayer, & Browne, APC

14 Lynn E. Mostoller

15 Katharine C. Downey

16 Albuquerque, NM

17 for Appellee

18 **MEMORANDUM OPINION**

19 **GARCIA, Judge.**

1 {1} Self-represented Plaintiff Patrick D. Tays appeals from the district court's order,
2 entered on September 8, 2016. This Court issued a notice of proposed disposition,
3 proposing to dismiss the appeal for lack of a final order. Defendants S. Craig Tays and
4 David F. Metler III, personal representative to S. Craig Tays, filed a memorandum in
5 support of our proposed summary disposition. In addition to agreeing with this
6 Court's proposed disposition on the question of finality, Defendants ask this Court to
7 dismiss the appeal based on principles of collateral estoppel and to limit further
8 litigation by Plaintiff on the matters at issue in this case. Plaintiff has not filed a
9 memorandum in opposition, and the time within which he was permitted to do so has
10 expired. Because we do not have jurisdiction, we decline to rule on the additional
11 issues Defendants raise.

12 {2} Accordingly and for the reasons stated in our notice of proposed disposition,
13 we dismiss for lack of a final order.

14 {3} **IT IS SO ORDERED.**

15
16

TIMOTHY L. GARCIA, Judge

17 **WE CONCUR:**

18
19

LINDA M. VANZI, Chief Judge

1

2

JONATHAN B. SUTIN, Judge